

REMARKS

Applicants thank the Examiner for the very thorough consideration given the present application.

Claims 1 and 3-10 are now present in this application. Claim 1 is independent. By this Amendment, claims 1 and 6 are amended, and claim 10 is added. No new matter is involved.

Reconsideration of this application, as amended, is respectfully requested.

Personal Interview

Applicants acknowledge with appreciation the courtesies extended by Examiners Cloud Lee and Gregory Huson to Mr. Robert J. Webster, their representative, during the personal interview conducted on February 26, 2008. During that interview, amendments to the claims were discussed which appear to patentably define over the applied art. Examiner Lee also indicated that should an update search not reveal additional art that will cause prosecution to be reopened, the proposed amendments to the claims will be entered.

Rejection under 35 USC, § 112, First Paragraph

Claim 4 stands rejected under 37 CFR § 1.112, first paragraph, for failing to comply with the written description requirement. This rejection is respectfully traversed.

The basis of the rejection is that the valve seal recited in claim 1 is an alternative to the valve seal recited in original claim 4. To overcome this rejection, Applicants have deleted the last clause of claim 1, resulting in claim 4 being in full compliance with 35 USC § 112, first paragraph. During the aforementioned interview, Examiners Lee and Huson agreed that this

amendment overcomes this rejection.

Reconsideration and withdrawal of this rejection of claim 4 are respectfully requested.

Rejection Under 35 U.S.C. § 102

Claims 1, 3 and 5 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 4,730,635 to Linden. This rejection is respectfully traversed.

A complete discussion of the Examiner's rejection is set forth in the Office Action, and is not being repeated here.

Claim 1, as amended, recites a combination of features, including a valve seal mounted between the inlet and outlet ports, the valve seal having a flexible valve closure member constrained to engage a valve seat in the closed position of the valve, and a control port in the valve body for providing a control fluid acting to maintain the flexible valve closure member in the closed position under a pressure differential as between that applied to one side of the flexible closure member by said fluid flow through the inlet port acting to lift the flexible closure member off the valve seat, and that applied on the other side of the flexible closure member through said control port to close the valve. Linden's incoming flow 17, which flows inside of its flexible annular valve tube 22, does not provide a pressure differential acting to lift the closure member off or the valve seat 38, as claimed. In fact, fluid flow 17 in Linden forces closure member 46 against valve seat 38. Therefore, Linden does not anticipate claim 1.

Also, claims 1 and 4 recite that the pressure applied on the other side of the flexible closure member (i.e., other side from the pressure applied by the fluid flow through the inlet port) through the control port is to close the valve. This is just the opposite of Linden, wherein the pressure

applied via the control port 54 opens the valve.

Moreover, as noted above, Examiners Lee and Huson agreed during the aforementioned interview that claim 1, as amended, appears to patentably define over the applied art.

Accordingly, the Office Action fails to make out a *prima facie* case of anticipation of the invention recited in claims 1, 3 and 5 by Linden.

Reconsideration and withdrawal of this rejection of claims 1, 3 and 5 are respectfully requested.

Rejections under 35 USC § 103

Further, it is respectfully submitted the 35 U.S.C. § 103 rejections noted in the Office Action have also been overcome as the claims rejected are dependent claims and the additional applied references also do not teach or suggest the claimed features.

New Claim 10

Claim 10 is added. Claim 10 corresponds to previously canceled claim 2, the subject matter of which was previously added to claim 1, but has now been removed from claim 1.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition

for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Robert J. Webster, Registration No. 46,472, at (703) 205-8000, in the Washington, D.C. area.

Prompt and favorable consideration of this Amendment is respectfully requested.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: March 27, 2008

Respectfully submitted,

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